IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
APPEAL NO.332 OF 2006
IN
NOTICE OF MOTION NO.3980 OF 2005
IN
SUIT NO.3295 OF 1997

Chandru D. Kevalramani & Anr. ...Appellants.
V/s.
Juhu Kishank Co-op. Hsg. Society Ltd.
& Ors. ...Respondents.

Shri V.A.Thorat with Raju Morey i/b
M/s. Kukreja & Co. for Appellants.

Mr.V.R.Dhond with Mr.A.L.Thakkar i/b
M/s.Thakkar & Co. for Respondent Nos.1 and 3.

CORAM: H.L.GOKHALE &
S.R.DONGAONKAR, JJ.
DATE : 2nd May, 2006.

P.C.:

1. Heard Mr.Thorat in support of this Appeal. Mr.Dhond appears for respondent nos. 1 and 2.

2. The Appellants are aggrieved by the order passed by learned Single Judge dated 20th December, 2005 on the motion in a suit filed by the defendant housing society. Submission of Mr.Thorat is that there are already two orders which are in favour of the Appellants and in view of those orders, there was no occasion to restrain the appellants from occupying the concerned flat. It is however, material to note that learned Single Judge has

referred to the order dated 22nd September, 1997 and subsequent order dated 20th April, 1998. In our view, it would be better that appellants would apply for review of this order if they are of the view that the order passed by learned Single Judge is contrary to the earlier orders passed. Thus, in their submission, renovation work is completed and they ought to be permitted to enter the concerned premises.

3. Submission of the Co-operative Housing Society is thiswise that the documents on the basis of which appellants are seeking reliefs are forged and fabricated. That is an aspect which the learned Single Judge should go into. In our view, it would not be appropriate to interfere at this stage for the reason that the learned Single Judge has passed this order after referring the earlier two orders and in all probabilities, since it is an ad-interim order and thereafter he would pass detailed reasoned order. In as much as this is an ad-interim order, we request the learned Single Judge to decide the motion early or alternatively, the appellants may apply for review of the order dated 20th December, 2005.

4. The Appeal stands disposed of.

(H.L.GOKHALE,J.)

(S.R.DONGAONKAR, J.)